

By

Yashua

H.B. No. 1169

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain plumbing activities;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, The Plumbing License Law (Article  
6243-101, Vernon's Texas Civil Statutes), is amended to read as  
follows:

Sec. 2. DEFINITIONS. In this Act:

(1) "Plumbing" [~~{a}--The--word--or--term--"plumbing"--as  
used-in-this-Act~~] means [~~and-shall-include~~]:

(A) [~~{+}~~] All piping, fixtures, appurtenances  
and appliances for supply or recirculation of water, gas, liquids,  
and drainage or elimination of sewage, including disposal systems  
or any combination thereof, for all personal or domestic purposes  
in and about buildings where a person or persons live, work or  
assemble; all piping, fixtures, appurtenances and appliances  
outside a building connecting the building with the source of  
water, gas, or other liquid supply, or combinations thereof, on the  
premises, or the main in the street, alley or at the curb; all  
piping, fixtures, appurtenances, appliances, drain or waste pipes  
carrying waste water or sewage from or within a building to the  
sewer service lateral at the curb or in the street or alley or  
other disposal or septic terminal holding private or domestic  
sewage; or

1                    (B) [(2)] the installation, repair, service, and  
2 maintenance of all piping, fixtures, appurtenances and appliances  
3 in and about buildings where a person or persons live, work or  
4 assemble, for a supply of gas, water, liquids, or any combination  
5 thereof, or disposal of waste water or sewage.

6                    (2) [(b)--A] "Master Plumber" means [~~within-the-meaning~~  
7 ~~of-this-Act-is~~] a person skilled in the planning, superintending,  
8 and the practical installation, repair, and service of plumbing and  
9 is familiar with the codes, ordinances, or rules and regulations  
10 governing those matters, who alone, or through a person or persons  
11 under his supervision, performs plumbing work, and who has  
12 successfully fulfilled the examinations and requirements of the  
13 Board.

14                    (3) [(c)--A] "Journeyman Plumber" means [~~within-the~~  
15 ~~meaning-of-this-Act-is~~] any person other than a master plumber who  
16 supervises, engages in, or works at the actual installation,  
17 alteration, repair, service, and renovating of plumbing, and who  
18 has successfully fulfilled the examinations and requirements of the  
19 Board.

20                    (4) [(d)--A] "Plumber's Apprentice" means [~~within-the~~  
21 ~~meaning-of-this-Act-is~~] any person other than a master plumber or  
22 journeyman plumber who, as his principal occupation, is engaged in  
23 learning and assisting in the installation of plumbing.

24                    (5) [(e)--A] "Plumbing Inspector" means [~~within--the~~  
25 ~~meaning--of--this--Act--is~~] any person employed by a political  
26 subdivision for the purpose of inspecting plumbing work and  
27 installations in connection with health and safety laws and

ordinances, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Board.

(6) [~~the word or term~~] "Board" [~~as used in this Act~~] means the Texas State Board of Plumbing Examiners.

(7) [~~the~~] "Water treatment" is a business which is conducted under contract and requires ability, experience, and skill in the analysis of water to determine how to treat influent and effluent water to alter or purify the water or to add or remove a mineral, chemical, or bacterial content or substance. The term includes the installation and service of fixed or portable water treatment equipment or a treatment apparatus, in public or private water treatment systems. The term also includes the making of connections necessary to the installation of a water treatment system.

(8) [~~the~~] "System" [~~as used in this Act~~] means interconnection between one or more public or private end users of water, gas, sewer, or disposal systems that could be a threat to public health if improperly connected.

(9) "Backflow prevention device specialist" means a person who holds a license endorsement or certificate issued by the board to engage in the business of installing, testing, or repairing backflow prevention devices.

SECTION 2. The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) is amended by adding Sections 11A and 11B to read as follows:

Sec. 11A. GENERAL BACKFLOW PREVENTION DEVICE SPECIALIST

1 ENDORSEMENT. (a) The board shall issue an endorsement as a  
2 general backflow prevention device specialist to a person licensed  
3 under this Act as a master or journeyman plumber if the license  
4 holder:

5 (1) applies to the board on a form prescribed by the  
6 board;

7 (2) pays the fee set by the board;

8 (3) presents evidence satisfactory to the board of  
9 successful completion of a board-approved cross connection control  
10 and backflow prevention device tester course; and

11 (4) passes any examination required by the board.

12 (b) An endorsement issued under this section is valid for  
13 three years from the date of issuance and may be renewed on  
14 compliance with any requirements prescribed by board rule.

15 (c) A license holder who holds an endorsement under this  
16 section may hold himself out as a general backflow prevention  
17 device specialist.

18 Sec. 11B. LIMITED BACKFLOW PREVENTION DEVICE SPECIALIST  
19 CERTIFICATE. (a) The board may issue a certificate as a limited  
20 backflow prevention device specialist to:

21 (1) a person licensed as an irrigator under Chapter  
22 197, Acts of the 66th Legislature, Regular Session, 1979 (Article  
23 8751, Vernon's Texas Civil Statutes), who engages in testing and  
24 repairing backflow prevention devices used with irrigation systems;

25 (2) a person who is regularly employed as a  
26 maintenance man or maintenance engineer and who tests or repairs a  
27 backflow prevention device only on the premises where the person is

1 employed;

2 (3) a person who is the agent of a manufacturer of any  
3 type of backflow prevention device and who tests devices made by  
4 that manufacturer; or

5 (4) a person employed by a political subdivision of  
6 this state who, in the person's capacity as a public employee,  
7 tests or repairs backflow prevention devices located on public  
8 easements.

9 (b) To obtain certification under this section, an applicant  
10 must:

11 (1) apply to the board on a form prescribed by the  
12 board;

13 (2) pay the fee set by the board;

14 (3) present evidence satisfactory to the board of  
15 successful completion of a board-approved cross connection control  
16 and backflow prevention device tester course; and

17 (4) pass any examination required by the board.

18 (c) A certification issued under this section is valid for  
19 three years from the date of issuance and may be renewed on  
20 compliance with any requirements prescribed by board rule.

21 SECTION 3. Section 13, The Plumbing License Law (Article  
22 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
23 follows:

24 Sec. 13. FEES. (a) The Board shall establish reasonable  
25 and necessary fees for the administration of this Act in amounts  
26 not to exceed:

27 (1) Master Plumber;

1	Examination	\$75
2	License	75
3	Renewal	75
4	<u>(2) Journeyman Plumber:</u>	
5	Examination	50
6	License	50
7	Renewal	50
8	<u>(3) Plumbing Inspector:</u>	
9	Examination	\$25
10	License	50
11	Renewal	50
12	<u>(4) Backflow Prevention Device Specialist:</u>	
13	<u>Examination</u>	<u>\$100</u>
14	<u>Certificate</u>	<u>100</u>
15	<u>License Endorsement</u>	<u>100</u>
16	<u>Renewal</u>	<u>50</u>

17       **(b)** The Board shall not maintain unnecessary fund balances,  
18 and fee amounts shall be set in accordance with this requirement.

19       SECTION 4. Section 14, The Plumbing License Law (Article  
20 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
21 follows:

22       Sec. 14. PROHIBITED ACTS [~~PROHIBITION--AGAINST--PRACTICING~~  
23 ~~WITHOUT-LICENSE~~]; CITATIONS. (a) No person, whether as a master  
24 plumber, journeyman plumber, or otherwise, shall engage in, work  
25 at, or conduct the business of plumbing in this state or serve as a  
26 plumbing inspector as herein defined, except as herein specifically  
27 exempted from the provisions of this Act, unless such person is the

1 holder of a valid license as provided for by this Act. It shall be  
2 unlawful for any person, firm, or corporation to engage in or work  
3 at the business of installing plumbing and doing plumbing work  
4 except as specifically herein provided unless such installation of  
5 plumbing or plumbing work be under the supervision and control of a  
6 plumber licensed under this Act. A license holder may not act as a  
7 general backflow prevention device specialist unless the license  
8 holder has a license endorsement under Section 11A of this Act.

9 (b) An offense under Subsection (a) of this section is a  
10 Class C misdemeanor [~~as-defined-by-the-Penal-Code~~].

11 (c) In addition to any other action, proceeding, or remedy  
12 authorized by law, the Board may institute an action in its own  
13 name against any person to enjoin any violation of this Act or any  
14 rule of the Board. In order for the Board to sustain the action,  
15 it is not necessary to allege or prove either that an adequate  
16 remedy at law does not exist or that substantial or irreparable  
17 damage would result from the continued violation of this Act or a  
18 Board rule. Any party to the action may appeal the cause. The  
19 Board may not be required to give any appeal bond in any cause  
20 arising under this Act. The attorney general shall represent the  
21 Board in all actions and proceedings to enforce this Act.

22 (d) A field representative or, within the jurisdiction of  
23 that municipality, a municipal plumbing inspector, may issue a  
24 citation to a person who engages in conduct described by Subsection  
25 (e) of Section 9 of this Act.

26 (e) A person who holds a limited backflow prevention device  
27 specialist certificate may hold himself out as certified by the

1 board. A person who acts as a limited backflow prevention device  
2 specialist without obtaining a certificate under this Act commits  
3 an offense. An offense under this subsection is a Class C  
4 misdemeanor.

5 SECTION 5. This Act takes effect September 1, 1991.

6 SECTION 6. The importance of this legislation and the  
7 crowded condition of the calendars in both houses create an  
8 emergency and an imperative public necessity that the  
9 constitutional rule requiring bills to be read on three several  
10 days in each house be suspended, and this rule is hereby suspended.



H. B. No. 1169

By Yarbuck

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relating to the regulation of certain plumbing activities;  
providing a penalty.

FEB 20 1991

1. Filed with the Chief Clerk.

FEB 28 1991

2. Read first time and Referred to Committee on

BUSINESS & COMMERCE

3. Reported \_\_\_\_\_ favorably (as amended)  
(as substituted) and sent to Printer at \_\_\_\_\_

4. Printed and distributed at \_\_\_\_\_

5. Sent to Committee on Calendars at \_\_\_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_  
present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments,  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_